C. Remarks

No claim has been amended. Claims 1-21 are presented for examination.

Claims 1-21 have been rejected under 35 U.S.C. §112 as being based on a non-enabling disclosure. The Office Action asserts that the specification is not enabling but then specifically raises an issue relating to the criticality of features of the preferred embodiment described in the specification at page 7 line 20 – page 8 line 2.

The enablement requirement under section 112 requires the specification to teach those skilled in the art how to make and use the full scope of the claimed invention without undue experimentation. In that regard, Applicant has exemplified the articles described by the pending claims, including data on foam split strength, Shore A hardness, stretch release performance and skin adhesive delamination, tensile break strength, and 90 degree peel adhesion to glass and to stainless steel (see, e.g., specification, p. 32, Table 2; p. 35, Table 4; p. 37, Table 6; p. 40, Table 8; and p. 41, Table 9). The multiple criteria and the data set forth in the specification (e.g., p. 7 line 20 – p. 8 line 2) enables the skilled artisan to make and use a foam adhesive article comprising:

A polymeric foam material having an outer surface, the outer surface of the polymeric foam material having adhesive properties; and

Fibrous reinforcing material dispersed within the polymeric foam material, the fibrous reinforcing material imparting stretch release properties to the article. (See claim 1).

For at least the foregoing reasons, the present specification is enabling of the claimed invention, and the reconsideration and withdrawal of the Office's section 112 rejection of claims 1-21 is requested.

Claims 1-21 have been rejected under 35 U.S.C. §103(a) as unpatentable over Kreckel et al. (US 5,989,708) in view of Joseph et al. (U.S. 5,238,733). The rejection is respectfully traversed. Reconsideration and withdrawal of this rejection is requested.

Kreckel et al. (herein "Kreckel") disclose a removable tape comprising a highly extensible and substantially inelastic backing and a pressure sensitive adhesive that is preferably highly

extensible (Abstract). The backing can be in the form of a foam-like film (col. 4, line 11). The backing can be made from materials such as polymers, plastic materials, plastic and elastomeric materials, and filled materials. The backings of Kreckel can be made by any known method of forming, and they can be pretreated prior to coating or laminating an adhesive onto the backing. As admitted in the Office Action, Kreckel does not disclose or suggest a polymeric foam having adhesive properties with fibrous reinforcing material therewithin.

The secondary reference to Joseph et al. (herein "Joseph") do not make up for the deficiencies of Kreckel. Joseph describes melt-blown multilayer fibers prepared by creating fibers having distinct layers of low modulus material and high modulus material (col. 2, lines 23-24; col. 5, lines 51-60). The fibers may be used to make a non-woven highly extendable web. Such a non-woven web would be extendable in both the machine direction and the cross direction. In contrast, the present invention describes, in at least one embodiment, a single foam layer with individual microfibers within the foam layer and imparting stretch release properties thereto (see specification, p. 6, lines 19-20). While the non-woven web provided by Joseph is useful as a tape backing capable of being bonded to a substrate and removed therefrom by stretching the backing (emphasis added) (col. 11, lines 10-13), . Joseph does not disclose or suggest a foam materials containing microfibers to impart stretch release properties to the foam.

Regarding the patent to Gehlsen et al. (herein "Gehlsen"), a method is reported for preparing an article, the method including melt mixing a polymer and a plurality of microspheres, extruding the composition through a die, and at least partially expanding the microspheres before the composition exits the die (col. 3, lines 10-19). Gehlsen et al. further disclose that the method may also include crosslinking the foam and heating the article subsequent to extrusion. However, as recognized in the Office Action, Gehlsen et al. does not teach a method that includes the step of forming fibers. Whether or not Gehlsen is indicative of the state of the art, the Office has not shown that Gehlsen or any of the other references cited in the Office Action disclose the step of forming fibers and including those fibers within an adhesive foam, as is described and claimed in the present invention.

For at least the foregoing reasons, reconsideration and withdrawal of the section 103(a) rejection of Applicant's claims is now requested.

Applicant has endeavored to address all of the issues raised in the recent Office Action. It is now believed that the application is in condition for allowance, and the allowance of all pending claims is now requested.

Respectfully submitted,

July 11, 2003
Date

By: Daniel R. Pastirik
Daniel R. Pastirik, Reg. No.: 33,025
Telephone No.: (651) 737-2685

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833